(1)- S.B. Civil Misc. Appeal No. 125/2001
(2)- S.B. Civil Misc. Appeal No. 474/2001
(3)- S.B. Civil Misc. Appeal No. 459/2001

DATE OF ORDER : - 2.3.2006

HON'BLE MR. PRAKASH TATIA,J.

Mr. Arvind Samdariya, for the appellant/s.
Mr. Suresh Shrimali, for the respondent/s

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Heard learned counsel for the parties.

These three appeals arise because of the reason that in one suit one application for grant of temporary injunction under Order 39 Rule 1 and 2 CPC was submitted by the applicant. Another application for grant of injunction under the same provision was submitted by the defendant and third application was submitted by the defendant for appointment of receiver.

All these three applications were decided by the trial court on 29.8.2000 and by one order decided two injunction applications whereas by another order of the same date dismissed the application for appointment of receiver.

It appears from the orders passed by the court below on applications for grant of injunction filed by the plaintiff and defendant that though specific orders as prayed were passed by the court below after taking note of the fact of each application and considering the

prima facie case for grant of relief in favour of the plaintiff and also in favour of the defendant in the light of their applications, but sum and substance is that by impugned order dated 29.8.2000 the entire property which is subject matter in the suit have some injunction order and substantially the injunction order is to maintain status quo as it was in existence. The court also restrained the parties from alienating the property in any manner.

In view of the above position both the parties are bound to maintain status quo with respect to the property and cannot alienate the property involved in the suit. Therefore, I do not find any reason to interfere in the impugned order passed on applications filed under Order 39 Rule 1 and 2 CPC by both the parties. Hence, both Misc. Appeals No. 125/2001 and 459/2001 are dismissed making it clear that both the parties shall maintain status quo with respect to the property in dispute.

The application has been filed for appointment of the receiver by the defendant, which was dismissed by the trial court by order dated 29.8.2000 which has been challenged in S.B.C.Misc. Appeal No. 474/2001. In the light of the order passed in the above two appeals, I do not find any reason to interfere in the order passed by the trial court, dismissing the application for appointment of receiver.

In view of the above SBCMA No. 474/2001 is also dismissed.

(Prakash Tatia), J.

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